


RECORD OF CRIMINAL CASE		DOCKET NO 0325 CR 002111		Trial Court of Massachusetts District Court Department 	
DEFENDANT NAME FRANK J. FAGONE				COURT NAME & ADDRESS BARNSTABLE DISTRICT COURT ROUTE 6A, P.O. BOX 427 BARNSTABLE MA 02630-0427 (508) 375-6600	
DEFENDANT ALIASES					
DEFENDANT ADDRESS 240 MITCHELL'S WAY		CITY/TOWN HYANNIS		STATE MA	ZIP CODE 02601
SEX M	DATE OF BIRTH 10/02/83	CITY OF BIRTH HYANNIS		STATE OF BIRTH MA	SOCIAL SECURITY NO [REDACTED]
MOTHER'S MAIDEN NAME WELBERT, DEBORAH (DECEASED)			FATHER'S NAME FAGONE, DAVID		
PCF NO 2424336		SID NO		DRIVERS LICENSE NO A11524428	LICENSE STATE MA
CASE INFORMATION					
NO. COUNTS 1	POLICE DEPT BAR	POLICE INCIDENT NO 031968AR	OFFENSE LOCATION BARNSTABLE	ARREST DATE 7/04/03	MV CITATION NO
CURRENT DEFENSE ATTORNEY FREDERICK C. MYCOCK			ATTORNEY TYPE PRIVATE COUNSEL		
CURRENT PROSECUTOR			COMPLAINANT CAIADO, SGT. ARTHUR G.		
OFFENSE AND JUDGMENT INFORMATION					
COUNT: 1 DEFENSE DATE: JULY 4, 2003 CHARGE: DRUG POSSESS TO DISTRIB CLASS B JUDGMENT DATE: 2/09/04 JUDGMENT JUDGE: HON. JOSEPH J. REARDON JUDGMENT METHOD: ADM SUFF FACTS JUDGMENT: GUILTY JAIL START DATE: 2/09/04 INSTITUTION: BARNSTABLE COUNTY CORRECTIONAL FACILITY TERM OF SENTENCE: 2 YEARS AMOUNT TO BE SERVED: 2 YEARS JAIL CREDIT DAYS: 65 CONSECUTIVE TO: CONCURRENT WITH:					
BAIL/BOND INFORMATION					
BAIL TYPE BOND AMT SET CASH AMT SET DATE SET JUDGE CASH ONLY \$5,000.00 7/07/03 HON. PETER J. KILMARTIN PERSONAL RECOGS 7/24/03 HON. W. JAMES O'NEILL					
BAIL HISTORY					
RECEIVED 4350 DATE POSTED: 07/15/2003 AMOUNT POSTED: \$5,000.00 METHOD: CASH SURETY: FAGONE, JOSEPH A. RETURNED: 07/24/2003 \$5,000.00 CHECK					
DOCKET ENTRIES					
DATE	CODE	DOCKET ENTRY	JDG/MAG	ACTION DATE	
PAGE 1 DATE RECORD PRINTED 10/23/06 A TRUE COPY ATTEST CLERK-MAGISTRATE					

6/2003

Barnstable Police Department

Page: 1

03-1968-AP

NARRATIVE FOR PTL. THOMAS L CHEVALIER

Entered: 07/05/2003 @ 1504

Entry ID: 176

Modified: 07/06/2003 @ 2051

Modified ID: 176

On 7-4-03, at approximately 2206 hrs., I observed a green Jeep Cherokee, MA 3120N1, pulling into the parking lot of Airport Liquors on Barnstable Rd.. As I passed by I caught a glimpse of the right front passenger, who I believed was Frank Fagone. I was familiar with this subject's name, and knew that he had two outstanding warrants for his arrest. I also had a recent booking photo him, and knew that his girlfriend drove a green Jeep Cherokee. This was also the same Jeep Cherokee that I recently saw at 240 Mitchell's way, a last known address for Frank Fagone.

I then turned my cruiser around and pulled into the parking lot of Airport Liquors, pulling past the vehicle so not to block it in. I then walked along the passenger side of the vehicle and recognized the right front passenger as Frank Fagone. I then opened the passenger side door and told Frank Fagone that he had two outstanding warrants for his arrest, which were confirmed and printed out by Officer Mathew Sonnabend. I also knew the warrants were current, because I had checked earlier in the night. As this subject exited the vehicle he did not resist and acknowledged that he was Frank Fagone, and that he had outstanding warrants.

After this subject was placed into handcuffs I conducted a frisk of his outer clothing for any potential weapons. While doing so I felt an object in his left front pocket. I immediately knew that the item was not a potential weapon, but its size, shape, and texture immediately felt like a small plastic bag with small pieces of crack cocaine. I then removed the package, and from my training and experience, recognized the small white pieces as crack cocaine. These items were also packaged in a way that was consistent with the sale and distribution of crack cocaine.

This subject was then transported to the Barnstable Police Station where he was advised of his rights and booked by Lt. MacDonald. While conducting a personal property inventory of this subject I located \$214.00 in cash on him, \$213.00 was located in his right front pocket and \$1.00 was located in his left front pocket. The \$214.00 in cash was seized by me and entered into evidence. The small plastic bag that was seized from Frank Fagone contained sixteen individual packets of small white rocks, believed to be crack cocaine. This was weighed by me at the police station and had an approximate gross weight of 9.8 grams. This was also tagged by me and placed into evidence.

RECORD OF CRIMINAL CASE		DOCKET NO 0325 CR 004039		Trial Court of Massachusetts District Court Department	
DEFENDANT NAME FRANK J. FAGONE				COURT NAME & ADDRESS BARNSTABLE DISTRICT COURT ROUTE 6A, P.O. BOX 427 BARNSTABLE MA 02630-0427 (508) 375-6600	
DEFENDANT ALIASES					
DEFENDANT ADDRESS 240 MITCHELL'S WAY		CITY/TOWN HYANNIS		STATE MA	ZIP CODE 02601
SEX M	DATE OF BIRTH 10-02/83	CITY OF BIRTH HYANNIS		STATE OF BIRTH MA	SOCIAL SECURITY NO [REDACTED]
MOTHER'S MAIDEN NAME WEISBERT, DEBORAH (DECEASED)			FATHER'S NAME FAGONE, DAVID		
POB NO 2424336		SID NO		DRIVERS LICENSE NO A11524428	LICENSE STATE MA
CASE INFORMATION					
NO COUNTS 1	POLICE DEPT BAR	POLICE INCIDENT NO 033544AR	OFFENSE LOCATION BARNSTABLE	ARREST DATE 12/08/03	MV CITATION NO
CURRENT DEFENSE ATTORNEY FREDERICK C MYCOCK			ATTORNEY TYPE PRIVATE COUNSEL		
CURRENT PROSECUTOR			COMPLAINANT MORSE, DETECTIVE RICHARD S.		
OFFENSE AND JUDGMENT INFORMATION					
COUNT: 1 OFFENSE DATE: DECEMBER 8, 2003 941 BIA G DRUG, POSSESS TO DISTRIB CLASS B					
JUDGMENT DATE: 2/09/04 JUDGMENT JUDGE: HON. JOSEPH J. REARDON JUDGMENT METHOD: ADM SUFF FACTS JUDGMENT: GUILTY JAIL START DATE: 2/09/04 INSTITUTION: BARNSTABLE COUNTY CORRECTIONAL FACILITY TERM OF SENTENCE: 2 YEARS AMOUNT TO BE SERVED: 2 YEARS JAIL CREDIT DAYS: 65 CONSECUTIVE TO: CONCURRENT WITH: 0325CR002111					
BAIL/BOND INFORMATION					
BAIL TYPE BOND AMT SET CASH AMT SET DATE SET JUDGE					
CASH \$1,000.00 12/09/03 CHARLES P. ANDRADE JR.					
BAIL HISTORY					
RECEIPT#: 4608 DATE POSTED: 12/09/2003 AMOUNT POSTED: \$1,000.00 METHOD: CASH					
SURETY: PIOTTE, NORMAN ASSIGNEE: BARNSTABLE DISTRICT COURT RETURNED: 02/18/2004 \$1,000.00 CHECK					
RECEIPT#: 4609 DATE POSTED: 12/09/2003 AMOUNT POSTED: \$1,000.00 METHOD: CASH					
SURETY: FAGONE, JOSEPH A. RETURNED: 08/16/2004 \$1,000.00 CHECK					
PAGE 1	DATE RECORD PRINTED 10/23/06		A TRUE COPY ATTEST		CLERK-MAGISTRATE

/2003

Barnstable Police Department

Page: 1

03-3544-AR

NARRATIVE FOR K-9 JOHN L. CAMPBELL

Entered: 12/09/2003 @ 0134

Entry ID: 189

Modified: 12/09/2003 @ 0219

Modified ID: 189

Approved: 12/09/2003 @ 0316

Approval ID: 195

On 12/08/03 at around 1947hrs I was parked on Crocker St in Hyannis in a marked police unit (E-22) and I observed a green Jeep Cherokee pass by me. I noticed that the rear driver side brake light had no red plastic cover on it. The light that was shining from the rear of the car was bright white and as the MV applied its brakes the light became even brighter. I then got behind the MV as it turned left on Yarmouth Rd. The MV then turned left onto Main and took a quick right onto School St. I then activated the overhead emergency blue lights of the cruiser and escorted the MV to the side of the roadway. As I was behind the MV I observed the passenger in the rear seat raise his whole body off of the seat which caused his neck to bend to keep his head from hitting the roof of the MV. He then began to move from side to side and it appeared to me that he was going to run from the MV. I then immediately jumped from my cruiser and advised desk personnel of my location via portable radio. The male continued to raise up off of his seat on two other occasions and turned to look at me. It now appeared to me that the passenger was attempting to hide something in the seat of the car. I then radioed for back up. I then began to approach the MV focusing my attention on the passenger. While I was at the rear driver side corner of the Jeep I noticed that the driver side rear window was beginning to go down and the front window was already down. I then noticed the male passenger in the front seat was beginning to converse with the female operator and they too began to move around in a suspicious manner. I then asked the passenger why he was moving around so much and he said he was sitting on the seat belt and it was uncomfortable. I then advised him that I was driving behind him for approx an eighth of a mile and I did not see him move once until I activated the blue lights. I then asked him his name and he said his name was Joseph Fagone. I have never dealt with Joseph Fagone personally but I am familiar with he and his brother Frank's alleged drug dealing. I am also aware that Frank and Joseph Fagone have been involved in armed assaults in the past.

I advised the female operator as to why she was stopped and asked the passenger in the front seat what his name was and he replied Frank Fagone. I then asked Joseph if he had any weapons on him that could hurt me and he said "no". I then asked if he hid a weapon or drugs under the seat of the MV and he said "no". As I looked at the seat I noticed a clear plastic sandwich bag tied in a knot and just below the knot the bag was torn. From my training and experience it is known to me that drug dealers often carry their cocaine in "corner cut" plastic bags. I then asked Joseph to step from the MV slowly and asked him to keep his hands in the air so I could view them. As he exited he kept his hands to his side and exited the MV very quickly. This movement alarmed me so I placed my right hand on his shoulder and led him to the rear of the MV to conduct a pat frisk for weapons. As I did this Joseph appeared to get very nervous. He began to look around and his body got very tight. From my training and experience it is known to me that when people begin to act this way they usually fight or run. I then felt a large bulge in his left pants pocket. I then reached into his pocket and retrieved a large wad of money that was folded in half and secured with a blue rubber band. I then asked him how much money was in the fold and he stated "about \$800.00". I then asked him where he got it and he said he works at Penties's Auto. I then asked who his boss was and he said "Mr. Roderick". I then asked him what Mr. Roderick's first name was and he said "I don't know". I have received information from street sources and fellow Officers that Joseph and Frank are both unemployed and they make "tons" of money selling "crack" cocaine. Due to Joseph's nervous behavior he was placed in handcuffs. I advised him that he was not under arrest at this time and was only cuffed for my safety.

I then focused my attention on Frank and asked him to step from the MV so I could safely check the rear seat where Joseph was sitting. I then asked him if he had anything on him that I should know about such as weapons or drugs and he said "no". I then escorted him to the rear of the MV and conducted a pat frisk of his person. I felt a large bulge in his left pants pocket so I retrieved it. He too was in possession of a large wad of money. I then asked him where he got his and he stated that he has been doing concrete

7/2003

Barnstable Police Department

Page: 2

03-3544-AR

NARRATIVE FOR K-9 JOHN L CAMPBELL

Entered: 12/09/2003 @ 0134

Entry ID: 189

Modified: 12/09/2003 @ 0219

Modified ID: 189

Approved: 12/09/2003 @ 0316

Approval ID: 195

work for some guy.

Officer Chevalier then arrived and began to watch Frank and Joseph so I could check the interior of the MV. I approached the MV from the passenger side and began to converse with the operator who was identified as Lorie Knochel. I advised Laurie as to what I had found on Frank and Joe and told her I knew what they did for work. I then told her that I thought she may be holding some drugs for Frank and Joe. I advised her that I had a narcotic detecting K-9 and there was also a female Officer enroute to conduct a search of her person. I then advised her that it may be in her best interest to turn over any narcotics that they may have asked her to hold. She then reached into the waist band of her pants and handed me a plastic bag that contained four other plastic bags that contained a white rock substance that appeared to be crack cocaine. She then said that Frank gave it to her and told her to hold it. Officer Chevalier then showed me another clear plastic bag that contained the same rock substance. He advised me that he found it on the ground just under the rear driver side door where Joseph was sitting. Joseph must have dropped the crack on the ground as he was exiting the MV. All three parties were then placed under arrest. They were transported to the facility where they were booked by Lieutenant Packer.

As I was conducting an inventory search of the MV I secured a large folding knife which I found in the center console. The blade was covered with a white powder substance that appeared to be cocaine. The money that Frank had on his person totaled \$930.00 and the money Joseph had on him totaled \$800.00.

Frank and Joseph were charged with possession of a class "B" substance with intent to distribute and Lorie was charged with possession of a class "B" substance.

Once I was at the Facility I attempted to conduct a check of the money using my narcotic detecting K-9 "Rocky". The search was conducted in the greeters room right next to the dispatch area. The room is approx 18' by 18'. It contains two desks as well as several file cabinets. I hid one fold of money under a computer hard drive that was on top of a two draw file cabinet. I then placed the other fold between two large cardboard boxes approx three feet away from the first hide in the center of the room next to a large desk. Rocky entered the room off lead and proceeded to check the room. Rocky then placed his nose at the top of the file cabinet just below the money and took several deep breaths in and out. He continued on, but shortly returned. He then took several more deep breaths in and out through his nose. He then began to scratch in an aggressive manner at the top of the file cabinet just under the money. This behavior indicates to me the presence of narcotics. Rocky was praised and told to continue searching. He then focused his attention on the desk in the center of the room. He traveled around the rear of the desk smelling each draw. He then began to sniff the two cardboard boxes starting at the bottom. He then took several breaths through his nose placing it at the gap between the upper and lower box. He then began to scratch at the box in an aggressive manner right where the money was located. Rocky was praised and removed from the area. The search was witnessed by Officer Brooks and Needham.

Detention was mailed to Lori Knochel for defective equipment and expired inspection sticker.

RECORD OF CRIMINAL CASE		DOCKET NO 0325 CR 004057		Trial Court of Massachusetts District Court Department	
DEFENDANT NAME FRANK J FAGONE				COURT NAME & ADDRESS BARNSTABLE DISTRICT COURT ROUTE 6A, P.O. BOX 427 BARNSTABLE MA 02630-042 (508) 375-6600	
DEFENDANT ALIASES:					
DEFENDANT ADDRESS 240 MITCHELL'S WAY		CITY/TOWN HYANNIS		STATE MA	ZIP CODE 02601
SEX M	DATE OF BIRTH 10/02/83	CITY OF BIRTH HYANNIS		STATE OF BIRTH MA	SOCIAL SECURITY NO [REDACTED]
MOTHER'S MAGEN NAME WELBERT, DEBORAH (DECEASED)			FATHER'S NAME FAGONE, DAVID		
PCF NO 2424336		SID NO		DRIVERS LICENSE NO A11524428	LICENSE STATE MA
CASE INFORMATION					
NO. COUNTS 1	POLICE DEPT BAP	POLICE INCIDENT NO 033558AR	OFFENSE LOCATION BARNSTABLE		ARREST DATE 12/10/03
CURRENT OFFENSE ATTORNEY FREDERICK C MYCOCK			ATTORNEY TYPE PRIVATE COUNSEL		
CURRENT PROSECUTOR			COMPLAINANT MORSE, DETECTIVE RICHARD S.		
OFFENSE AND JUDGMENT INFORMATION					
COUNT: 1 OFFENSE DATE: DECEMBER 10, 2003 94C32A/G DRUG, POSSESS TO DISTRIB CLASS B					
JUDGMENT DATE: 2/09/04		JUDGMENT JUDGE: HON. JOSEPH J. REARDON			
JUDGMENT METHOD: ADM SUFF FACTS		JUDGMENT: GUILTY			
JAIL START DATE: 2/09/04		INSTITUTION: BARNSTABLE COUNTY CORRECTIONAL FACILITY			
TERM OF SENTENCE: 2 YEARS					
AMOUNT TO BE SERVED: 2 YEARS					
JAIL CREDIT DAYS: 65 CONSECUTIVE TO:		CONCURRENT WITH: 0325CR002111			
BAIL/BOND INFORMATION					
BAIL TYPE		BOND AMT SET	CASH AMT SET	DATE SET	JUDGE
CASH ONLY		\$10,000.00		12/11/03	HON. JOSEPH J. REARDON
DOCKET ENTRIES					
DATE	CODE	DOCKET ENTRY	JDG/MAG	ACTION DATE	
12/11/03	AC	APPLICATION FOR COMPLAINT FILED			
12/11/03	COI	COMPLAINT ISSUED	CJA		
12/11/03	ARR	ARRAIGNMENT SCHEDULED FOR		12/11/03	
12/11/03	PI	PROBATION INTAKE FORM PRINTED	CJA		
12/11/03	WFE	SESSION CLERK: WFE			
12/11/03	TN	TAPE NUMBERS: 03-632 START 060 END 135			
12/11/03	BRW	BAIL REVOCATION WARNING (276 \$58) GIVEN DEFT	JJR		
12/11/03	NGP	NOT GUILTY PLEA ENTERED	JJR		
12/11/03		DEFENDANT WAIVES 30 DAY SPEEDY TRIAL			
12/11/03	ARRH	ARRAIGNMENT HELD	JJR	12/11/03	
12/11/03	PT	PRETRIAL HEARING SCHEDULED FOR		1/23/04	
PAGE 1	DATE RECORD PRINTED 10/23/06		A TRUE COPY ATTEST	CLERK MAGISTRATE	

11/2003

Barnstable Police Department

Page: 1

03-3558-AR

NARRATIVE FOR K-9 JOHN L CAMPBELL

Entered: 12/11/2003 @ 0107

Entry ID: 189

Modified: 12/11/2003 @ 0714

Modified ID: 770

On 12-08-03 I arrested Frank and Joseph Fagone for possession of a class "B" substance with intent to distribute (Case # 03-3544-AR). After the Booking process Frank utilized his right to a phone call and phoned Steven Roderick to arrange for bail. A short time later Joseph and Frank were released on \$2000.00 cash bail. On 12-09-03 both parties neglected to show up at court for arraignment and warrants were issued for their arrest.

On 12-10-03 Officer Chevalier and I were checking the addresses listed on the warrants in search of Frank and Joseph Fagone (34 South St and 140 Mitchells Way). Both attempts concluded with negative results. We then felt that it may be a good idea to check Steven Rodericks address of 131 Lafrance Ave. We parked our cruisers several houses away from that address and approached on foot. While standing in front of the address I noticed a female sitting in the front living room who was known to me as Chyvonne Bryson (Joseph Fagenes girlfriend). I then advised Chevalier of this and he approached the address from the front and I took up a position in the rear. Chevalier then began to converse with Stevens mother (Joni Gomes) at the front door. Chevalier then advised me via radio that Ms. Gomes gave us permission to search her residence for Frank and Joseph. While checking the interior Ms. Gomes advised us that Frank and Joe had been there for a day or so but were not at the address at this time. I then noticed a shirt lying on the couch that Frank was wearing two nights prior when he was arrested. While standing in the living room I observed a Town Taxi cab pull into the driveway. I asked Stephen who called a cab and he said "no one did". I then immediately went out the front door and began to approach the cab. I observed Frank Fagone sitting in the back seat of the cab. I illuminated him with my flash light and approached him from the driver side. As I approached the door I observed Frank to be moving around a lot and it appeared he was pulling something out of his pants pocket. I then ordered him to raise his hands in the air. He then raised his left hand which was holding a cellular phone but he left his right hand down by his feet and it appeared to me that he had just dropped something on the floor of the cab. I then opened the door of the cab and escorted him from the seat. He placed his left foot onto the ground but kept his right foot on the floor of the cab. It appeared to me that he was trying to cover something up on the floor with his foot. I then pulled him from the cab and placed him in handcuffs. Once he was cuffed I looked on the floor of the cab where his feet just were and observed a clear plastic sandwich bag lying there. Inside the bag was several other smaller "corner cut" bags which contained a white rock substance that appeared to be "crack" cocaine.

Frank was then transported to the Facility by Officer Chevalier and booked by Lieutenant Packer. He was charged with the warrants as well as being in possession of a class "B" substance with intent to distribute. I counted the bags of "crack" and they totaled seventeen (17) and weighed just over 10grams. He was also in possession of \$344.00 which was seized. During the ride back to the Facility and during the Booking process Frank's cellular phone rang twenty separate times. I opened the flip style vision phone and attempted to shut it off. As I did this I noticed the picture on the screen saver was that of a large pile of money and in the middle of the money were several blue wax packets which appeared to be heroin. Under the picture the word heroin (which was spelled wrong **herion**) was in bold print. Due to the fact that the phone was ringing constantly and the picture that was shown on the screen saver it was apparent to me that Frank uses the cell phone for his drug trade. The cellular phone was then seized.